IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1440 OF 2006

IN

SECOND APPEAL (ST) NO. 21742 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

Ms. Gauri Godse for the applicant.
Mrs.Mulekar, AGP for respondent nos.1 and 2.

CORAM: S.B. DESHMUKH, J.

October 16, 2006.

P.C. :

1. Heard the learned counsel for the applicant and learned AGP, who appears for respondent no.1 and 2.

2. This matter is listed before this court for speaking to the minutes of

the orders dated15/9/2006 and 28/9/2006 passed by this court.

3. I have perused the order passed by this court on September 15, 2006. It is mentioned in the cause title of the order passed on 15.9.2006 as "Civil Appeal No. 1440 of 2006". Infact this order is passed by this court in Civil Application No. 1441 of 2006. Civil Application No. 1441 of 2006 is for injunction. However, through oversight, it appears that the cause title of the order passed by this court on September 15, 2006 refers to the proceedings as ‘Civil Appeal No. 1440 of 2006."

4. I have also perused the order passed by this court on September 28, 2006. This order seems to have been passed in Civil Application No. 1440 of 2006 in Second Appeal (Stamp) No. 21742 of 2006. Again the Civil Application No.

1441 of 2006 in Second Appeal No. 21743 of 2006 is mentioned in the cause title of this order. Infact, it was clarificatory order. However in this order, incorrect numbers i.e. "Civil Application No. 1440 of 2006 in Second Appeal No. 21742 of 2006 and Civil Application No.1441 of 2006 in Second Appeal No. 21743 of 2006" is mentioned.

5. By speaking to minutes, following are the corrections directed to be made :

(i) In the cause title of the order passed by this court (Coram: S.B. Deshmukh, J) on 15.9.2006 instead of Civil Appeal No. 1440 of 2006, it should be read as ‘Civil Application No. 1441 of 2006 in Second Appeal (Stamp) No. 21742 of 2006’.

(ii) In the order passed by

this court (Coram: S.B. Deshmukh,J) on September 28, 2006, in the cause title the number shown as 'Civil Application No. 1440 of 2006 in Second Appeal No. 21742 of 2006 and Civil Application No. 1441 of 2006 in Second Appeal No. 21743 of 2006'. The same should be read as 'Civil Application No. 1441 of 2006 in Second Appeal (Stamp) No.21742 of 2006'.

6. Office to act accordingly.

7. Learned Counsel Ms. Gauri Godse submits that advocate Rahul Kate, appears for some of the respondents. However, he is not present in court. Returnable date given by the earlier order dated 15.9.2006 is extended till 23.11.2006. Ad-interim relief earlier granted to remain in operation till 28.11.2006.

sd/-

(JUDGE)

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Ms. Gauri Godse for the applicant.
Mrs.Mulekar, AGP for respondent nos.1 and 2.

CORAM: S.B. DESHMUKH, J.

October 16, 2006.

P.C. :

1. Heard the learned counsel for the applicant and learned AGP who appears for

respondent no.1 and 2.

2. Perused the order passed by this court on September 15, 2006. The learned counsel for the applicant has invited my attention to the cause title of this order, where "Civil Application No. 1441 of 2006" is mentioned.

3. This order infact is the last part of the order passed by this court on the same date i.e. 15.9.2006. However, it was inadvertently prepared in Civil Appeal No. 1441 of 2006.

4. By speaking to minutes order, which is passed today, the order passed in ‘Civil Appeal No. 1440 of 2006’ is

clarified. The text of the said order runs in three paragraphs. Infact, these three paragraphs are part and parcel of the order in this Civil Application No. 1441 of 2006. By speaking to minutes motion, it is ordered that :

(i) The cause title of this order as ‘Civil Appeal No. 1441 of 2006’ to be read as "Civil Application No. 1441 of 2006 in Second Appeal (Stamp) No. 21742 of 2006.

(ii) the order which runs in three paragraphs passed on September 15, 2006 in Civil Appeal No. 1440 of 2006, which is

subsequently corrected by speaking to minutes order, needs to be incorporated as paragraph nos.1 to 3 in this order and paragraph 1 of the said order to be read as paragraph no.4 by way of speaking to minutes.

5. This clarification by way of speaking to minutes motion, is made after hearing the learned counsel for the applicant as well as Learned AGP.

6. It is made clear that the returnable date is already extended to 23.11.2006 and ad-interim relief is extended to 28.11.2006.

7. Office to act accordingly.

sd/-

(JUDGE)